

STATEMENT OF MS. ROBIN PIACINE

ON BEHALF OF

COALITION OF FAMILIES OF KOREAN & COLD WAR POW/MIAs

BEFORE THE

HOUSE COMMITTEE ON ARMED SERVICES

SUBCOMMITTEE ON MILITARY PERSONNEL

UNITED STATES HOUSE OF REPRESENTATIVES

ON

IMPROVING RECOVERY AND FULL ACCOUNTING OF

POW/MIA PERSONNEL FROM ALL PAST CONFLICTS

April 2, 2009

Chairwoman and distinguished members of the House Armed Services subcommittee for Military Personnel: thank you for having this hearing today and affording me the opportunity to speak for the many family members my organization represents. We all share one thing in common, that is, each of us wait for the day that we can bring our loved ones home. We want to understand what has truly happened to them. These unanswered questions haunt us. Birthdays, anniversaries, special days all are lived with emptiness and questions of what truly happened to the ones we love and miss.

With me today, I bring a picture of my missing Uncle, USA Sgt William C. Bradley. My Uncle was a medic during the Korean War. He was first listed as KIA on December 1, 1950 in the area of Kunu ri, in Unsan county in North Korea. Through years of research by the analysts at DPMO and with the help of my dear friend and colleague John Zimmerlee, it was discovered that on December 1 of 1950 he became a POW. He was marched North and died in a holding camp. He deserves to be here today and I didn't think you would mind. His remains are still in north Korea waiting to be returned home...just one of approximately 8,057 unaccounted for from the Korean War.

We are here today to discuss ways in which the recovery and full accounting of POW/MIA personnel from all past conflicts can be improved. Having served as President of the Coalition of Families for over 5 years, you can imagine that I have received many suggestions from family members as to how this might be accomplished. Some of these suggestions have already been directed to the Defense Prisoner of War Office, I offer them here today to you.

- We strongly support and endorse plans to construct a new identification facility with state of the art technology. This investment is required to facilitate the critical work that the laboratory provides to all the Uniformed Services in support of recoveries from all conflicts. We believe that this will facilitate a reduction in the time to identification and thus speed the return of remains to the families. On a related point, we **DO NOT the relocation of this support to CONUS.** The current location is ideal, being in proximity to South East and South West Asia and the Pacific where the majority of recoveries take place. A Joint Forensic Review has been established and a move would hamper that very important international partnership with the South Korean Forensic Team which benefits our recovery process as well. Further, the loss of experienced staff would be devastating to the recovery and identification effort. As I am sure you are aware, rarely do more than 10% of civilian employees relocate when such a move is made. It will take years to reconstitute and regain the current staff's level of expertise. Lastly, the cost of such a move, in these times of financial strife, makes no sense at all from the view of the concerned taxpayer.
- **There is a critical need to have access to files still held as Classified for over 50 years at College Park Maryland.** These restrictions hamper our ability to conduct independent research in support of our families. How can this procedure change? A press release dated March 11, 2009 notes that President Obama has approved a \$459M budget for the National Archives. In this budget \$1,000,000 has been allocated solely for the development of a new Office of Government Information Services created by a 2007 amendment to the Freedom of Information Act. It will monitor compliance of federal agencies, "and ensure that the records of government remain open and accessible to the public(attachment 1 Press Release March 11,

2009, www.archives.gov). We firmly believe that if the files in question are declassified and made accessible to the public, we could assist DPMO's overburdened, analysts and the families we represent. This would add to the improvement of the overall accounting process. Too many times as the boxes of files are reviewed by our volunteers, we find slips that state say the files have been moved, but do not indicate where. Some of the files haven't been reviewed for more than 15 years. This is a travesty to our families that could possibly know more about their missing loved ones.

- **Follow-through upon President Obama's guidance about disclosure.** You may recall that shortly after becoming President, he released a Presidential Order limiting the power of authority in connection with the release of Presidential records by the National Archives and Records Administration. We need to follow his example and make available those files that can be from all agencies (Please see my Attachment 2 for more information).
- **Increased Staffing and Funding Levels at DPMO.** We know that the organization has been both understaffed and under-resourced for many years. This effects DPMO's ability to provide timely research and support to the families of the missing. If this is a priority (bringing our missing home) of the new Administration and this Congress, then the money to make it happen better and faster must be provided. It is time that the oft espoused view that "none will be left behind" is actually backed up by the resources to make it happen. Place a family member in DPMO so that issues regarding families and their loved ones gain the perspective that is lacking.
- **Resumption of recovery operations in North Korea.** Clearly this point is of the highest interest to my organization. The majority of our missing are likely located in North Korea. The curtailment of recovery operations under the Bush Administration has dampened hope among the families of the missing from the Korean War. We seek a resumption of operations with a focus on access to the POW camps where many of the remains of our servicemen are located as soon as possible. During this time we need to come together and work on a way to get back into North Korea by thinking outside the box.
- **The support of House Resolution HR 111; Establishment of a Select Committee on POW/MIA Affairs which has been reintroduced by the Representative of New York, Peter King.** We have believed all along that this is an opportunity to assist families and veterans in the accounting process. We believe that there is much needed assistance with a broader spectrum of issues that goes beyond the scope of the Defense Prisoner of War Missing Personnel Office that need addressed. I believe this is where the establishment of a POW/MIA Affairs Committee would be invaluable in the accounting process. It will assist the families and help us determine where the fate of our servicemen and servicewomen. How? The Cold War families desperately need the assistance with the information held in Russian and the Chinese Archives. We believe with a special committee dedicated to the POW MIA issue that it would assist our efforts and put pressure on the countries involved to cooperate (please see attachment 3).

I appreciate the opportunity to submit my testimony for you to review. We strongly and emphatically support the efforts of the leadership and staff of DPMO, Admiral Crsip and the dedicated staff at JPAC, the Military Casualty offices, AFDIL and the other entities that work so hard to assist in the accounting effort. We endorse the construction of a much needed new facility in order that the fantastic work of the scientists and their teams be accomplished faster and more efficiently. The entire effort must be supported with appropriate staff and funding. The declassification and availability of files, both at home and abroad, is critical to our ability to

answer questions from the Cold and Korean Wars. It is vital that we begin recovery operations in North Korea as soon as possible.

Finally, I urge each of you to give your support to HR 111 and look at it as a way to assist in the accounting effort. It is clear to the families of all of our missing servicemen from all wars that time is not on our side. I can attest to that personally. My mother and aunt are both recently deceased, my grandmother and grandfather passed away many years ago. This is all the immediate family that my Uncle had. One day, as I was visiting with my mother, who was dying of cancer, she said to me, "I only wish I would have lived to see your uncle come home and give him a proper funeral." She did not. Unfortunately, this is too often the case for so many families. Thank you again for your time and attention.

Press Release
March 11, 2009

President Approves \$459M Budget for National Archives

Washington, DC...The National Archives and Records Administration (NARA) is receiving \$459,277,000 for the current fiscal year under the omnibus appropriation bill passed by Congress and signed by President Barack Obama on March 11, 2009.

The \$459,277,000 for Fiscal Year 2009 is a \$48,144,000, or 12 percent, increase over last year's appropriation of \$411,133,000.

"We are extremely pleased with the additional resources for NARA that will enable us to fund our core programs, operate the new George W. Bush Library, increase our ability to process presidential records with the hiring of 15 new archivists, and add a criminal investigator to the Office of the Inspector General", said Adrienne C. Thomas, Acting Archivist of the United States. "We will also be able to continue building the Electronic Records Archives (ERA) and will use the additional funds to begin development of software to provide public access to ERA and initial preservation capabilities," she added. "With the Administration's continued support for ERA, we are just a few years away from having public access to ERA."

Funding for NARA's Operating Expenses is set at \$330,308,000, up from last year's level of \$315,000,000. The Operating Expenses appropriation funds rent, energy, security, and staff costs for NARA's facilities at 44 locations around the country.

This budget also includes continued funding for new archivists hired during FY 2008, and \$875,000 to further increase the number of archivists on staff. The agency is directed to report to Congress within 30 days of the specific actions it is taking to restore archivist workforce levels to pre-2002 levels.

Also included in the appropriations bill is \$1,000,000 for the new Office of Government Information Services, which was created by a 2007 amendment to the Freedom of Information Act (FOIA). Its purpose is to strengthen FOIA, monitor compliance with it by federal agencies, and ensure that the records of government remain open and accessible to the public.

The Administration also provides \$650,000 to complete the review of U.S. Government records documenting the activities of the Nazis and the Japanese Imperial Government. These resources will be available for two years to enable the agency to release a supplemental report to NARA's 2007 report on this subject.

For continued development of the ERA, the Congress appropriated \$67,008,000, compared to \$58,028,000 last year. The ERA had its official launch last year and this year took in the electronic records of the Executive Office of the President from the George W. Bush Administration.

The budget also directs NARA to provide quarterly progress reports on ERA to Congress and the Government Accountability Office and to alert them to any potential delays, cost overruns, and other problems with the development of the ERA.

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Congress also provided \$6,325,000 to operate the George W. Bush Presidential Library in Dallas. It is now temporarily located in a facility in Lewisville, TX until the permanent library is built with private funds on the campus of Southern Methodist University.

For repairs and restorations to NARA facilities, Congress appropriated \$50,711,000. This includes funding for our base and \$22,000,000 to complete work on a renovation and an addition to the Kennedy Library in Boston, MA, and \$17,500,000 for the first phase of a renovation and addition to the Roosevelt Library in Hyde Park, NY.

The budget also provides an additional \$2,000,000 to complete repair and restoration of the plaza at the Johnson Library in Austin, TX, but makes it clear that Congress will provide no more funding for this project.

The National Historical Publications and Records Commission (NHPRC) received \$11,250,000 for the current fiscal year, of which \$2,000,000 will be transferred to the Operating Expenses (OE) appropriation. Last year, Congress provided NHPRC with \$9,500,000 and transferred \$2,000,000 to OE. This new funding level will allow NHPRC to continue its work on the Founding Fathers projects, publish historical records and support archives preservation, access and digitization grants.

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For press information, contact the National Archives Public Affairs staff at (202) 357-5300.
09-59

Attachment 1

Wednesday, January 21st, 2009 at 12:00 am

Presidential Records

Executive Order -- Presidential Records

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish policies and procedures governing the assertion of executive privilege by incumbent and former Presidents in connection with the release of Presidential records by the National Archives and Records Administration (NARA) pursuant to the Presidential Records Act of 1978, it is hereby ordered as follows:

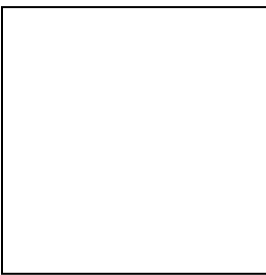
Section 1. Definitions. For purposes of this order:

- (a) "Archivist" refers to the Archivist of the United States or his designee.
- (b) "NARA" refers to the National Archives and Records Administration.
- (c) "Presidential Records Act" refers to the Presidential Records Act, 44 U.S.C. 2201-2207.
- (d) "NARA regulations" refers to the NARA regulations implementing the Presidential Records Act, 36 C.F.R. Part 1270.
- (e) "Presidential records" refers to those documentary materials maintained by NARA pursuant to the Presidential Records Act, including Vice Presidential records.
- (f) "Former President" refers to the former President during whose term or terms of office particular Presidential records were created.
- (g) A "substantial question of executive privilege" exists if NARA's disclosure of Presidential records might impair national security (including the conduct of foreign relations), law enforcement, or the deliberative processes of the executive branch.
- (h) A "final court order" is a court order from which no appeal may be taken.

Sec. 2. Notice of Intent to Disclose Presidential Records.

- (a) When the Archivist provides notice to the incumbent and former Presidents of his intent to disclose Presidential records pursuant to section 1270.46 of the NARA regulations, the Archivist, using any guidelines provided by the incumbent and former Presidents, shall identify any specific materials, the disclosure of which he believes may raise a substantial question of executive privilege. However, nothing in this order is intended to affect the right of the incumbent or former Presidents to invoke executive privilege with respect to materials not identified by the Archivist. Copies of the notice for the incumbent President shall be delivered to the President (through the Counsel to the President) and the Attorney General (through the Assistant Attorney General for the Office of Legal Counsel). The copy of the notice for the former President shall be delivered to the former President or his designated representative.
- (b) Upon the passage of 30 days after receipt by the incumbent and former Presidents of a notice of intent to disclose Presidential records, the Archivist may disclose the records covered by the notice, unless during that time period the Archivist has received a claim of executive privilege by the incumbent or former President or the Archivist has been instructed by the incumbent President or his designee to extend the time period for a time certain and with reason for the extension of time provided in the notice. If a shorter period of time is required under the circumstances set forth in section 1270.44 of the NARA regulations, the Archivist shall so indicate in the notice.

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Sec. 3. Claim of Executive Privilege by Incumbent President.

(a) Upon receipt of a notice of intent to disclose Presidential records, the Attorney General (directly or through the Assistant Attorney General for the Office of Legal Counsel) and the Counsel to the President shall review as they deem appropriate the records covered by the notice and consult with each other, the Archivist, and such other executive agencies as they deem appropriate concerning whether invocation of executive privilege is justified.

(b) The Attorney General and the Counsel to the President, in the exercise of their discretion and after appropriate review and consultation under subsection (a) of this section, may jointly determine that invocation of executive privilege is not justified. The Archivist shall be notified promptly of any such determination.

(c) If either the Attorney General or the Counsel to the President believes that the circumstances justify invocation of executive privilege, the issue shall be presented to the President by the Counsel to the President and the Attorney General.

(d) If the President decides to invoke executive privilege, the Counsel to the President shall notify the former President, the Archivist, and the Attorney General in writing of the claim of privilege and the specific Presidential records to which it relates. After receiving such notice, the Archivist shall not disclose the privileged records unless directed to do so by an incumbent President or by a final court order.

Sec. 4. Claim of Executive Privilege by Former President.

(a) Upon receipt of a claim of executive privilege by a living former President, the Archivist shall consult with the Attorney General (through the Assistant Attorney General for the Office of Legal Counsel), the Counsel to the President, and such other executive agencies as the Archivist deems appropriate concerning the Archivist's determination as to whether to honor the former President's claim of privilege or instead to disclose the Presidential records notwithstanding the claim of privilege. Any determination under section 3 of this order that executive privilege shall not be invoked by the incumbent President shall not prejudice the Archivist's determination with respect to the former President's claim of privilege.

(b) In making the determination referred to in subsection (a) of this section, the Archivist shall abide by any instructions given him by the incumbent President or his designee unless otherwise directed by a final court order. The Archivist shall notify the incumbent and former Presidents of his determination at least 30 days prior to disclosure of the Presidential records, unless a shorter time period is required in the circumstances set forth in section 1270.44 of the NARA regulations. Copies of the notice for the incumbent President shall be delivered to the President (through the Counsel to the President) and the Attorney General (through the Assistant Attorney General for the Office of Legal Counsel). The copy of the notice for the former President shall be delivered to the former President or his designated representative.

Sec. 5. General Provisions.

(a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) authority granted by law to a department or agency, or the head thereof; or
- (ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability

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of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments,

agencies, or entities, its officers, employees, or agents, or any other person.
Sec. 6. Revocation. Executive Order 13233 of November 1, 2001, is revoked.
BARACK OBAMA
THE WHITE HOUSE,
January 21, 2009

Attachment 2

HRES 111 IH

111th CONGRESS

1st Session

H. RES. 111

Establishing a Select Committee on POW and MIA Affairs.

IN THE HOUSE OF REPRESENTATIVES

February 3, 2009

Mr. KING of New York (for himself, Mr. ACKERMAN, Mrs. BACHMANN, Mrs. BLACKBURN, Mrs. BONO MACK, Mr. BOOZMAN, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mrs. CHRISTENSEN, Mr. COBLE, Mr. COHEN, Mr. COSTELLO, Mr. CROWLEY, Mr. DAVIS of Kentucky, Mr. DAVIS of Tennessee, Mr. FORBES, Mr. FRELINGHUYSEN, Mr. GOHMERT, Ms. HARMAN, Mr. HELLER, Mr. HOLDEN, Mr. ISSA, Ms. KAPTUR, Mr. KILDEE, Mr. LINDER, Mr. LOBIONDO, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. MANZULLO, Mr. MCCAUL, Mr. MCHENRY, Mr. MORAN of Virginia, Mr. MURPHY of Connecticut, Mrs. MYRICK, Mr. PAUL, Mr. POE of Texas, Mr. PRICE of Georgia, Mr. ROGERS of Kentucky, Mr. ROHRABACHER, Mr. SCHIFF, Mr. SCOTT of Virginia, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. TERRY, Mr. WITTMAN, Mr. WOLF, Mr. WU, and Mr. YOUNG of Alaska) submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

Establishing a Select Committee on POW and MIA Affairs.

Resolved, That there is established in the House of Representatives a select committee to be known as the Select Committee on POW and MIA Affairs.

FUNCTIONS

Sec. 2. The select committee shall conduct a full investigation of all unresolved matters relating to any United States personnel unaccounted for from the Vietnam era, the Korean conflict, World War II, Cold War Missions, Persian Gulf War, Operation Iraqi Freedom, or Operation Enduring Freedom, including MIA's and POW's missing and captured.

APPOINTMENT AND MEMBERSHIP

Sec. 3. (a) Members- The select committee shall be composed of 10 Members of the House, who shall be appointed by the Speaker. Not more than half of the members of the select committee shall be of the same political party.

(b) Vacancy- Any vacancy occurring in the membership of the select committee shall be filled in the same manner in which the original appointment was made.

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(c) Chairperson- The Speaker shall designate one member of the select committee to be its chairperson.

AUTHORITY AND PROCEDURES

Sec. 4. (a) Authority- For purposes of carrying out this resolution, the select committee (or any subcommittee of the select committee authorized to hold hearings) may sit and act during the present Congress at any time or place within the United States (including any Commonwealth or possession of the United States, or elsewhere, whether the House is in session, has recessed, or has adjourned) and to hold such hearings as it considers necessary.

(b) Rules of Procedure- The provisions of clauses 1, 2, and 4 of rule XI of the Rules of the House shall apply to the select committee.

(c) Prohibition Against Meeting at Certain Times- Subsection (a) may not be construed to limit the applicability of clause 2(i) of rule XI of the Rules of the House to the select committee.

ADMINISTRATIVE PROVISIONS

Sec. 5. (a) Expenses- Subject to the adoption of expense resolutions as required by clause 6 of rule X of the Rules of the House, the select committee may incur expenses in connection with its functions under this resolution.

(b) Staff and Travel- In carrying out its functions under this resolution, the select committee may--

(1) appoint, either on a permanent basis or as experts or consultants, any staff that the select committee considers necessary;

(2) prescribe the duties and responsibilities of the staff;

(3) fix the compensation of the staff at a single per annum gross rate that does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code;

(4) terminate the employment of any such staff as the select committee considers appropriate; and

(5) reimburse members of the select committee and of its staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their functions for the select committee, other than expenses in connection with any meeting of the select committee, or a subcommittee thereof, held in the District of Columbia.

(c) Expiration- The select committee and all authority granted in this resolution shall expire 30 days after the filing of the final report of the select committee with the House.

REPORTS AND RECORDS

Sec. 6. (a) Final Report- As soon as practicable during the present Congress, the select committee shall submit to the House a final report setting forth its findings and recommendations as a result of its investigation.

(b) Filing of Reports- Any report made by the select committee when the House is not in

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session shall be filed with the Clerk of the House.

(c) Referral of Reports- Any report made by the select committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

(d) Records, Files, and Materials- Following the termination of the select committee, the records, files, and materials of the select committee shall be transferred to the Clerk of the House. If the final report of the select committee is referred to only one committee under the provisions of subsection (c), the records, files, and materials of the select committee shall be transferred instead to the committee to which the final report is referred.

DEFINITIONS

Sec. 7. For purposes of this resolution:

(1) The term 'Member of the House' means any Representative in, or Delegate or Resident Commissioner to, the Congress.

(2) The term 'MIA' means any United States personnel that is unaccounted for and missing in action.

(3) The term 'POW' means any United States personnel that is unaccounted for and known to be a prisoner of war.

(4) The term 'select committee' means the Select Committee on MIA and POW Affairs established by this resolution.

END

Attachment 3

